

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

WILLIE M. TAYLOR

PLAINTIFF

v.

Case No. 4:19-cv-4129

KANSAS CITY SOUTHERN RAILWAY
COMPANY

DEFENDANT

ORDER

Before the Court is Plaintiff's Motion for Leave to Substitute Plaintiff and File Amended Complaint. ECF No. 38. Defendant has not filed a response, and the time to do so has passed. *See* Local Rule 7.2(b). The Court finds the matter ripe for consideration.

Plaintiff seeks leave to file an amended complaint to substitute Mary Jane Taylor, the Personal Representative of the Estate of Mr. Willie M. Taylor, for the deceased Plaintiff. Except in cases where a party can amend its complaint as a matter of course,¹ "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). This is a liberal standard, as courts "should freely give leave when justice so requires." *Doe v. Cassel*, 403 F.3d 986, 990 (8th Cir. 2005). "[A]bsent a good reason for denial—such as undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of amendment—leave to amend should be granted." *Thompson-El v. Jones*, 876 F.2d 66, 67 (8th Cir. 1989).

Upon consideration, the Court finds no good reason has been shown to warrant denial of

¹ "A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1). Plaintiff does not seek to amend her complaint as a matter of course.

leave to amend. Accordingly, Plaintiff's motion (ECF No. 38) is hereby **GRANTED**. Because a Plaintiff is substituting a new party, Plaintiff must email the amended complaint to the Texarkana divisional office for the Clerk of Court at TEX_info@arwd.uscourts.gov. Further, pursuant to Local Rule 5.5(e), Plaintiff must file the amended complaint within seven (7) days of the entry of this order.

IT IS SO ORDERED, this 17th day of August, 2021.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge